

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 20 – 77

Resolution to Appoint Board of Viewers for Abandonment of Certain Roads in Magnus Subdivision 2nd Filing

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage county roads within the county. Pursuant to Section 7-14-2615 of the Montana Code Annotated, a board of county commissioners has the authority to abandon a county road after a public hearing.

WHEREAS, a portion of East 12 Street, a road that runs north south from the Big Ditch to East 12th Street and two alleys that run north south from the Big Ditch to East 12th Street are dedicated, unconstructed roads within Yellowstone County in Magnus Subdivision 2nd Filing. Magnus Subdivision 2nd Filing, Doc. No. 595193. The Yellowstone County Board of County Commissioners has the authority to manage the roads and alleys, including the authority to abandon the roads and alleys. On September 1, 2020, the Board received a petition to abandon the roads and alleys. [Exhibit 1 – Petition](#). Samuel Huseby and Junia Wollmann, the owners of the lots that abut the roads and alleys, want the Board to abandon the roads and alleys to use the right-of-ways of the roads and alleys to develop the land. The Board reviewed the petition. The petition appears legally sufficient to appoint a Board of Viewers to investigate the proposed abandonment.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners creates a Board of Viewers to investigate the proposed abandonment. The Board appoints John Ostlund, a Yellowstone County Commissioner; Jeff Martin, the Yellowstone County Clerk and Recorder / Yellowstone County Surveyor; Scott Walker, a Transportation Planner with the City of Billings / Yellowstone County Planning Department, and Mike Black, a Senior Civil Engineer with the Yellowstone County Public Works Department, to the Board of Viewers. The Board of Viewers shall submit a report to the Board that makes a recommendation as to the proposed abandonment. After the Board of Viewers submits the report, the Board shall hold a public hearing on the proposed abandonment. At the hearing, the Board shall receive comments on the proposed abandonment and consider the Board of Viewers' Report and any comments on the proposed abandonment. After the hearing, the Board may or may not abandon the roads and alleys. If the Board believes that it is in the best interest of the public to abandon the roads and alleys, it shall pass a resolution of intent to abandon the roads and alleys with conditions. Once Huseby and Wollmann have satisfied the conditions, the Board shall pass a resolution that abandons the roads and alleys. If the Board believes it is not in the best interest of the public to abandon the roads and alleys, it shall pass a resolution not to abandon the roads and alleys.

Passed and Adopted on the 20th day of October 2020.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Denis Pitman, Chair

Donald W. Jones, Member

John Ostlund, Member

ATTEST:

Jeff Martin, Clerk and Recorder

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